

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

On August 30, 2011, the United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action. The Magistrate Judge recommended that this Court deny plaintiff's motion for a default judgment or sanctions because a *Martinez* order does not fall within the purview of Federal Rule of Civil Procedure 37(b). The parties were advised of their right to object to the Report and Recommendation by September 16, 2011. To date, neither party has filed an objection.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 30, 2011; and
- (2) DENIES plaintiff's Motion for Default Judgment/Sanctions [docket no. 189].

IT IS SO ORDERED this 12th day of October, 2011.

Vicki Miles LaGrange
VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE